REMARKS

Claims 1-56 are previously pending in this application, and are subject to restriction. The restriction requirement divided the claims into two groups:

I. Claims 1-28 and 49-55, drawn to an implantable device and kit containing the same, classified in class 424, subclass 423.

II. Claims 29-48, drawn to a method of administering a dopamine agonist by subcutaneously implanting an implant containing the agonist, classified in class 424, subclass 422.

Claim 56 was not included in the Restriction Requirement, and the undersigned agent assumes that it was inadvertently omitted. In the response below, it is assumed that claim 56 should be included in Group I.

Amendments

Claim 5 is amended to depend from claim 1 instead of claim 4. Claim 28 is amended to depend on claim 16 instead of claim 18. Claim 52 is amended to clarify that it refers to the polymeric matrix.

New claim 57 recites that the at least one implantable device according to claim 49 further comprises an anti-inflammatory agent, and said anti-inflammatory agent is encapsulated in at least one of said at least one implantable device. New claim 58 recites that the at least one implantable device according to claim 49 further comprises an anti-inflammatory agent, and said anti-inflammatory agent is encapsulated within a biocompatible, nonerodible polymeric matrix that does not comprise said dopamine agonist. Support for new claims 57 and 58 is found in the specification, for examples, at page 3, lines 15-17 (paragraph 0008); page 10, lines 5-8 and 23-26 (paragraph 0026); page 14, lines 18-20 (paragraph 0037); and page 17, lines 1-3 (paragraph 0044).

New claim 59 defines an implantable device according to claim 5, wherein said dopamine agonist is lisuride. New claim 60 defines an implantable device according to claim 20, wherein said dopamine agonist is lisuride. New claim 61 defines a kit according to claim 55,

wherein said dopamine agonist is lisuride. Support for new claims 59-61 is found in the specifications, for examples, at page 3, line 15-16 (paragraph 0008); page 4, line 13 (paragraph 0009); page 7, line 6 (paragraph 0018); and page 16, line 13 (paragraph 0042).

No new matter has been added.

New claims 57-61 are drawn to an implantable device and kit containing the same. Applicants submit that claims 57-61 should be included in Group I.

Election pursuant to Restriction Requirement

Applicants hereby elect group I, claims 1-28 and 49-61, without traverse. After entry of this amendment, claims 1-61 are now pending; claims 1-28 and 49-61 are under consideration, and claims 29-48 are withdrawn and no longer under consideration. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s). Applicants respectfully request examination of the claims on the merits.

Upon indication of allowable product claims, Applicants respectfully request rejoinder of method claims which incorporate all limitations of the product claims under the procedure of MPEP § 821.04.

Election of Species

The Restriction Requirement also required elections of species as follows:

1) A single species of dopamine agonist. Applicants hereby elect lisuride as the species for initial examination.

2) A single species of inflammatory agent. Applicants hereby elect NSAID as the species for initial examination.

3) A single species of disease. Applicants hereby elect Parkinson's disease as the disease species for initial examination.

4) A single manner of combining the anti-inflammatory agent and dopamine agonist (i.e., together in one device, or not together in one device). Applicants hereby elect the species of 'not together in one device' (that is, in separate devices) as the manner of combining the anti-inflammatory agent and dopamine agonist.

Claims which read on species 1 include claims 1-5, 7-20, 22-28, 49-55 and 57-61. Claims which read on species 2 include claims 1-11, 13, 15-24, 26, and 49-61. Claims which read on species 3 include claims 1-28 and 49-61. Claims which read on species 4 include claims 1-28, 49-56, and 58-61.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **304142000900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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